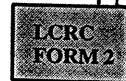


WISCONSIN LEGISLATIVE COUNCIL STAFF



FEB 21 2000

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-019

AN ORDER to amend BC Figures 5.02, 5.04, 5.05 and 5.06, relating to theory hours conducted by the school outside of the classroom.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

01-25-00 RECEIVED BY LEGISLATIVE COUNCIL.

02-18-00 REPORT SENT TO AGENCY.

RS:DF:rv;jal

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

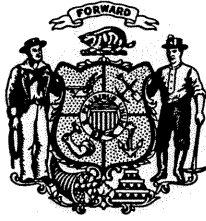
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

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CLEARINGHOUSE RULE 00-019

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

- a. In the introductory clause and in the treatment clauses of SECTIONS 1 to 4, insert "BC" before "Figure" and "FIGURE," respectively.
- b. In revised BC Figure 5.02, the added parenthetical statement should be closed with a parenthesis.
- c. Because the parenthetical materials added to BC Figures 5.02, 5.04, 5.05 and 5.06 contain identical language and appear to be substantive in nature, it is suggested that this language be inserted as a new provision in existing s. BC 5.01.



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

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January 25, 2000

TO: Ron Sklansky, Director
Rules Clearinghouse
Wisconsin Legislative Council
1 East Main Street, Suite 401

FROM: Pamela A. Haack, Paralegal
Office of Administrative Rules
Department of Regulation and Licensing
Room 171, 1400 East Washington Avenue
(608) 266-0495

RE: Proposed Rule-Making Order of the Barbering and Cosmetology
Examining Board

Attached please find a proposed rule-making order of the Barbering and Cosmetology Examining Board submitted under s. 227.15, Wis. Stats. The proposed order contains citations to the statutory authority under which the board intends to adopt the proposed rules and a description of the effect of the proposal.

Please stamp or sign a copy of this letter to acknowledge receipt. Please call me at 266-0495 if I can be of any assistance to the Clearinghouse in reviewing this rule.

Thank you.

STATE OF WISCONSIN
BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : BARBERING AND COSMETOLOGY
BARBERING AND COSMETOLOGY : EXAMINING BOARD
EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 00-)

PROPOSED ORDER

An order of the Barbering and Cosmetology Examining Board to *amend* Figure 5.02, Figure 5.04, Figure 5.05 and Figure 5.06, relating to theory hours conducted by the school outside of the classroom.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: s. 440.62 (5) (b), Stats.

The Barbering and Cosmetology Examining Board proposes to revise its rules to allow students to receive credit for one or more structured establishment visits. The current rules do not allow this to occur. Under current rules, students may not receive credit for attending structured classes outside of their school in licensed establishments.

The board believes that this rule would allow students to obtain valuable experience for how to deal with treating the consumer appropriately and to learn how a practitioner protects the health, safety and welfare of the citizenry.

TEXT OF RULE

SECTION 1. FIGURE 5.02 is amended to read:

FIGURE 5.02

SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I. Hygiene, grooming and personal development.	10	0
II. Bacteriology, sterilization and sanitation.	20	20

III.	Tools, equipment and implements (identification and usage).	3	9
IV.	Haircutting, hair tapering (clipper-cuts), razor cutting, hairstyling, curling, thermal waving, finger-waving, roller setting, pincurl placement, blow-drying, shampoos, scalp and hair treatments, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs and wefts.	150	450
V.	Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching and chemistry.	190	400
VI.	Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology.	35	60
VII.	Manicuring, including artificial nails.	10	25
VIII.	Anatomy and physiology of the hair skin and nails and disorders of the hair, skin, scalp and nails.	50	0
IX.	Product knowledge, produce use and sales, preparing and consulting with customer for services.	45	0
X.	Laws, rules, professional ethics and history of barbering and cosmetology.	18	0
XI.	Individual student needs, industry trends and electives (e.g. recordkeeping, mathematics, communications, human relations, public relations, first aid, etc.).	117	188

(Theory hours may include structured visits conducted by the school outside of the classroom at one or more barbering and cosmetology establishments.

TOTAL HOURS: 648 1152

SECTION 2. FIGURE 5.04 is amended to read:

FIGURE 5.04

SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I. Introduction Law and Code, Bookkeeping Business Management, History and Ethics	26	
II. Safety, Sanitation and Sterilization	30	20
III. Anatomy and Physiology	30	
IV. Chemistry, Treatments and Process	24	
V. Treatment –Product and Techniques	32	86
VI. Electricity, Machines and Equipment	10	35
VII. Make-up and Color Analysis	12	20
VIII. Individual Student Needs and Electives <u>(Theory hours may include structured visits conducted by the school outside of the classroom at one or more barbering and cosmetology or aesthetics establishments.)</u>	65	50
TOTAL HOURS	229	221

SECTION 3. FIGURE 5.05 is amended to read:

FIGURE 5.05

SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I. Introduction Law and Code, Bookkeeping Business Management, History and Ethics	30	
II. Basic Principles of Electricity and Equipment Usage	20	20
III. Anatomy, Physiology and Microbiology	20	
IV. Safety, Sanitation and Sterilization	30	20
V. Modalities of Electrology	20	50
VI. Electrology Techniques and Variables	20	50
VII. Clinical Practice: Consultation, Evaluation, Complications, Contraindications, Positioning and Draping, Lighting and Optics, and Epilatic Techniques	40	60
VIII. Individual Student Needs and Electives (<u>Theory hours may include structured visits conducted by the school outside of the classroom at one or more barbering and cosmetology or electrology establishments.</u>)	30	40
TOTAL HOURS:	210	240

SECTION 4. FIGURE 5.06 is amended to read:

FIGURE 5.06

SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I. Introduction Law and Codes, Bookkeeping, Business Management, History and Ethics	36	
II. Safety, Sanitation, Sterilization, First Aid and Bacteriology	10	25
III. Nails and Skin Disorders	24	10
IV. Anatomy and Physiology	18	8
V. Manicuring and Pedicuring, including artificial nails	24	112
VI. Introduction to Advertising	12	
VII. Individual Student Needs and Electives (<u>Theory hours may include structured visits conducted by the school outside of the classroom at one or more barbering and cosmetology or manicuring establishments.</u>)	7	14
TOTAL HOURS:	131	169

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Barbering and Cosmetology Examining Board

FISCAL ESTIMATE

This rule changes the practitioner license syllabus for Barbering and Cosmetology. The fiscal impact to implement this rule may include special board meetings and administrative costs. These costs are estimated to be about \$300 annually and can be absorbed within the agency's budget.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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1/14/2000

JUN 26 2000

**STATE OF WISCONSIN
BARBERING AND COSMETOLOGY EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : BARBERING AND COSMETOLOGY
BARBERING AND COSMETOLOGY : EXAMINING BOARD
EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 00-019)**

TO: Senator Judy Robson, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the BARBERING AND COSMETOLOGY EXAMINING BOARD is submitting in final draft form rules relating to theory hours conducted by the school outside of the classroom.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

**STATE OF WISCONSIN
BARBERING AND COSMETOLOGY EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 00-019
BARBERING AND COSMETOLOGY : (s. 227.19 (3), Stats.)
EXAMINING BOARD :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

This rule changes the practitioner license syllabus for Barbering and Cosmetology. The fiscal impact to implement this rule may include special board meetings and administrative costs. These costs are estimated to be about \$300 annually and can be absorbed within the agency's budget.

IV. STATEMENT EXPLAINING NEED:

The Barbering and Cosmetology Examining Board proposes to revise its rules to allow students to receive credit for one or more structured establishment visits. The current rules do not allow this to occur. Under current rules, students may not receive credit for attending structured classes outside of their school in licensed establishments.

The board believes that this rule would allow students to obtain valuable experience for how to deal with treating the consumer appropriately and to learn how a practitioner protects the health, safety and welfare of the citizenry.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on April 3, 2000. There were no appearances at the public hearing nor were any written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

In response to Comment 2.c.: The board desires to keep the amendments as drafted. The other recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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6/26/00

STATE OF WISCONSIN
BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : BARBERING AND COSMETOLOGY
BARBERING AND COSMETOLOGY : EXAMINING BOARD
EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 00-019)

PROPOSED ORDER

An order of the Barbering and Cosmetology Examining Board to *amend* BC Figure 5.02, BC Figure 5.04, BC Figure 5.05 and BC Figure 5.06, relating to theory hours conducted by the school outside of the classroom.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: s. 440.62 (5) (b), Stats.

The Barbering and Cosmetology Examining Board proposes to revise its rules to allow students to receive credit for one or more structured establishment visits. The current rules do not allow this to occur. Under current rules, students may not receive credit for attending structured classes outside of their school in licensed establishments.

The board believes that this rule would allow students to obtain valuable experience for how to deal with treating the consumer appropriately and to learn how a practitioner protects the health, safety and welfare of the citizenry.

TEXT OF RULE

SECTION 1. BC FIGURE 5.02 is amended to read:

BC FIGURE 5.02

SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I. Hygiene, grooming and personal development.	10	0
II. Bacteriology, sterilization and sanitation.	20	20

III.	Tools, equipment and implements (identification and usage).	3	9
IV.	Haircutting, hair tapering (clipper-cuts), razor cutting, hairstyling, curling, thermal waving, finger-waving, roller setting, pincurl placement, blow-drying, shampoos, scalp and hair treatments, conditioning, reconditioning, hair analysis, and care of hairpieces, wigs and wefts.	150	450
V.	Hair straightening, hair relaxing, thermal hair straightening, blow-outs, permanents, hair coloring, tinting, bleaching and chemistry.	190	400
VI.	Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology.	35	60
VII.	Manicuring, including artificial nails.	10	25
VIII.	Anatomy and physiology of the hair skin and nails and disorders of the hair, skin, scalp and nails.	50	0
IX.	Product knowledge, produce use and sales, preparing and consulting with customer for services.	45	0
X.	Laws, rules, professional ethics and history of barbering and cosmetology.	18	0
XI.	Individual student needs, industry trends and electives (e.g. recordkeeping, mathematics, communications, human relations, public relations, first aid, etc.).	117	188

SECTION 3. BC FIGURE 5.05 is amended to read:

BC FIGURE 5.05

SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I. Introduction Law and Code, Bookkeeping Business Management, History and Ethics	30	
II. Basic Principles of Electricity and Equipment Usage	20	20
III. Anatomy, Physiology and Microbiology	20	
IV. Safety, Sanitation and Sterilization	30	20
V. Modalities of Electrology	20	50
VI. Electrology Techniques and Variables	20	50
VII. Clinical Practice: Consultation, Evaluation, Complications, Contraindications, Positioning and Draping, Lighting and Optics, and Epilatic Techniques	40	60
VIII. Individual Student Needs and Electives (<u>Hours may include structured visits conducted by the school outside of the classroom at one or more electrology establishments.</u>)	30	40
TOTAL HOURS:	210	240

SECTION 4. BC FIGURE 5.06 is amended to read:

BC FIGURE 5.06

SUBJECTS	THEORY HOURS	PRACTICAL HOURS
I. Introduction Law and Codes, Bookkeeping, Business Management, History and Ethics	36	
II. Safety, Sanitation, Sterilization, First Aid and Bacteriology	10	25
III. Nails and Skin Disorders	24	10
IV. Anatomy and Physiology	18	8
V. Manicuring and Pedicuring, including artificial nails	24	112
VI. Introduction to Advertising	12	
VII. Individual Student Needs and Electives (<u>Hours may include structured visits conducted by the school outside of the classroom at one or more barbering and cosmetology or manicuring establishments.</u>)	7	14
TOTAL HOURS:	131	169

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Barbering and Cosmetology Examining Board

FISCAL ESTIMATE

This rule changes the practitioner license syllabus for Barbering and Cosmetology. The fiscal impact to implement this rule may include special board meetings and administrative costs. These costs are estimated to be about \$300 annually and can be absorbed within the agency's budget.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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